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Russia:

Country Report

Alexei AVTONOMOV

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ABSTRACT

Russian Federation consists of 89 Federated units, namely republics, provinces (in Russian - krai), regions (in Russian - oblast), two federal cities (Moscow and Saint-Petersburg), autonomous region and autonomous districts. Federated units are divided in municipalities. Along with the Federal Constitution there are fundamental laws in Federated units (republics have constitutions, all other units have charters). Municipalities (the level of local government) have charters. Each level has its own system of government. And at each level a referendum might be held. Local government approved their regulations on local referenda. Regional laws on referendum and local government regulations on referendum should be consistent with these requirements of the federal law, and local regulation should not contradict both Federal and regional legislation. Therefore, if regional laws were adopted before the mentioned Federal Law entering into force, their parts contradicting with the Federal Law should be amended. In any case, only those provisions of regional laws and local regulations can be used and enforced that conforms to the Federal legislation.

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1. Subject-matters of popular votes

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Direct Democracy: country-report on Russia

Alexei Avtonomov, LL.D.

Russian Federation consists of 89 Federated units, namely republics, provinces (in Russian - krai), regions (in Russian - oblast), two federal cities (Moscow and Saint-Petersburg), autonomous region and autonomous districts. Federated units are divided in municipalities. Along with the Federal Constitution there are fundamental laws in Federated units (republics have constitutions, all other units have charters). Municipalities (the level of local government) have charters. Each level has its own system of government. And at each level a referendum might be held.

1. Subject-matters of popular votes

The 1995 Federal constitutional law “On Referenda in Russian Federation” stipulates, that a referendum in Russian Federation cannot be devoted to such issues as changing of a Federated unit status; recall of the President of Russian Federation, or dissolution of the State Duma or the Federation Council; prolongation of powers of the President of Russian Federation, or the State Duma, or the Federation Council after expiration of their terms; postponing of elections or holding by-elections of the President of Russian Federation, the State Duma, or Federation Council members; adoption or amending of the federal budget; changing or fulfilling financial commitments of the State; introducing, changing or cancelling of federal taxes or exempting from their payment; taking extraordinary measures to ensure people’s health and security; amnesty and mercy.

All other issues can be subject-matters of referendum at a Federal level. Legal restrictions dealing with subject-matters of people’s vote are connected with political and legal essence of a referendum as a form of direct democracy, that is why these restrictions are aimed at efficiency of government, on the one hand, and preserve from mixing up of different forms of direct democracy (elections and referendums, first of all), on the other hand. However, some issues, that the Russian law provides for to serve as subject-matters, to my mind, do not fit, if we analyse particularities of a referendum as a decision-making machinery (I am going to say a few words about it in another abstract of this report).

Referendums might be held at the Federal level, at the Federated unit level and at the local level. So, subject-matters of referendum depend upon a level of government in accordance with separation of powers between three levels of government in Russia (Federal, Federated units and local government).

The 1997 Federal law “On basic guarantees of electoral rights and the right to participate in referendum of citizens of Russian Federation” provides for restrictions in subject-matters to hold a referendum at a level of a Federated unit or at local level: it cannot be devoted to such issues as recall of an elected officials and bodies, or dissolution of Federated units parliaments or local elected councils; prolongation of powers of elected bodies and officials after expiration of their terms; postponing of elections or holding by-elections of elected bodies and officials at a respective level; adoption or amending of budgets; changing or fulfilling financial commitments of Federated units and municipalities; introducing, changing or cancelling of Federated units’ and local taxes or exempting from their payment; taking extraordinary measures to ensure people’s health and security.

By the present time more than 70 Federated units (of total 89) adopted their own laws on referenda. Local government approved their regulations on local referenda. Regional laws on referendum and local government regulations on referendum should be consistent with these requirements of the federal law, and local regulation should not contradict both Federal and regional legislation. Therefore, if regional laws were adopted before the mentioned Federal Law entering into force, their parts contradicting with the Federal Law should be amended. In any case, only those provisions of regional laws and local regulations can be used and enforced that conform to the Federal legislation.

2. Techniques and procedures for popular votes

I am describing here techniques and procedures for referenda, prescribed by the actual laws, mentioned above. Earlier, referenda of 1991-1993 were held in accordance with previous legislation, and procedures were different (for example, according to the Law of 1991, the Supreme Soviet announced a referendum, that decided to be held by the Congress of People’s Deputies, if it was initiated by 1 million citizens or by one third of all federal People’s Deputies; and in 1993 the President himself by his own decree and his own initiative announced a Constitutional referendum, which was inconsistent with the previous Constitution).

At the Federal level a referendum might be initiated 1) by 2 million citizens as a minimum under a condition, that only 10% of them live in one Federated unit or in total outside the territory of Russian Federation, or 2) by a Constitutional Assembly (a specially elected body, which can elaborate and adopt a new Constitution), if it decides to submit a draft Constitution to a popular vote.

At the level of Federated units a regional referendum is regulated by regional legislation, which can contain different regulation. However, the majority of regional laws stipulates that a regional referendum might be initiated by regional legislatures and by groups of citizens. A required minimum of citizens, who are supposed to sign a petition to hold a referendum, differs in different Federated units, but, anyway, it makes several thousand people.

When an initiative belongs to a legislature, a proposal to consider the issue at the session should be supported by at least, for example, one third (Vologda region) or a half (Voronezh region) of a respective parliament members. As a rule a decision to hold a referendum is adopted by two thirds of a regional parliament deputies. In some Federated units a certain number of municipal (district and city) councils have the right to initiate a regional referendum. For instance, according to Moscow region legislation, minimum of twenty three municipal councils can initiate a regional referendum.

The 1995 Federal Law “On General Principles of Local Self-Government Organisation in Russian Federation” provides for, that a local referendum can be initiated by a certain number of citizens or by a local council’s decision. All the details should be regulated by regional laws and municipal regulations. But some regional laws and municipal charters in contradiction with the Federal Law permit other institutions, beside mentioned above, to initiate a local referendum. Thus, heads of city administrations in the cities of Khabarovsk and Astrakhan (Khabarovsk province and Astrakhan region respectively), regional parliament and head of regional administration in Ivanovo region are empowered to initiate a referendum. One should know, that in Russian Federation in case of a contradiction between a Federal Law and a regional law or local (municipal) regulation, the Federal Law has a major legal force.

It is clear, that any initiative to hold a referendum, when a big quantity of citizens are involved, cannot take place in practice without a preparatory organisational work. So, only a group of citizens or a political party can really organise a collections of signatures under a petition to hold a referendum. The Federal Laws “On Referendum” and “On Basic Guarantees...” prescribe that a group of initiators should be registered before they begin to collect signatures. A group of initiators for a national referendum must consist of 100 people at least, for a regional referendum - a minimum of 20 people and for a local referendum - a minimum of 10 people.

A collection of signatures may be organised by a political association (political party, political organisation or political movement) as well. In this case a board of such a political association or a board of its regional or local branch, independently upon a quantity of members in a board, plays a role of a group of initiators. All political association at the federal and regional levels are specially

registered by the Ministry of Justice of departments of Justice respectively. A political association, who decides to try to collect signatures to initiate a referendum, should not have been registered by the Ministry or a department of Justice later than six months before it declares about its intention to start a collection of signatures.

After the initiative took place, a referendum can be announced. To announce a referendum means to appoint in accordance with legal prescriptions a date, when a referendum is held.

At the Federal level it is the President of Russian Federation, who announces referendums. The Constitution provides for, that the Prime Minister, who substitutes the President, has no right to announce a referendum. The President of Russian Federation should submit all the documents, of which an initiative to hold a referendum consists, to the Constitutional Court within 10 days after they were received. The Constitutional Court verifies these documents, if everything is consistent with Constitutional and legal requirements, and has to return the documents to the President along with its positive or negative resolution within a month. This Constitutional Court's resolution has to be published immediately after having been received by the President. If the Constitutional Court's resolution is negative, all procedures, aimed at holding a referendum, are stopped. If the Constitutional Court's resolution is positive, the President is obliged to announce the referendum within 15 days on its receipt.

In the majority of Federated units referendums are announced by regional legislatures. As a rule regional legislative bodies are unicameral, however several regional parliaments consist of two chambers. In the latter case procedures of a referendum announcement in different Federated units vary. For example, in Republic of Yakutia (Sakha) a decision to announce a referendum should adopted at a joint session of two houses of the regional legislature. In Sverdlovsk region it is the House of Representatives (one chamber of the regional bicameral parliament) which has the right to announce a referendum.

In certain Federated units referendums might be announced by both the executive and the legislative branches of power or by the executive branch only. For instance, in Yamalo-Nenets autonomous district the regional parliament can announce a referendum on any issue except for those that are prohibited by federal or regional law to be subject-matters of popular votes; and the regional Governor has the right to announce referendums on subject-matters that the regional law specially stipulates: such as changes in the inner administrative and territorial division of the district, delegation of certain powers of regional bodies to federal organs, revision of certain regional parliaments decisions, dealing with use of natural resources, environment and ecological safety of

people in the district. In Republics of Buriatia, Kabardino-Balkaria, Mari El and in Chukotka autonomous district regional presidents or heads of regional administration have the right to announce regional referendums. In Republic of Dagestan it is the State Council, a collective governor, which can announce a regional referendum.

The Federal Law stipulates, that a court can announce a referendum, if there is a lawful initiative, which has been realised in conformity with all legally prescribed procedures, but the body, which is empowered to announce a referendum, does nothing. It is considered to be one of guarantees of enforcement of the right of referendum in case of unlawful arbitrary inactivity of certain state bodies.

Local referenda are announced as a rule by a representative body of local government. In some Federated units laws and municipal regulations empower heads of local administration to announce local referenda.

A decision, by which a referendum is announced, has not to be officially published later than 60 days before a voting day for federal and regional referendums and 45 day before a voting day for local referendums. Thus, it is quite enough time to think over issues presented for a referendum, to discuss subject-matters, to organise campaigns for voting in favour or against.

An announced federal referendum cannot be postponed. It is not allowed to hold a federal referendum voting at the same day as federal or presidential elections voting. What about regional and local referendums, there is not a prohibition of that kind. Usually, voting at referendum and for different elective offices is combined in one day in order to reduce spending and increase turnout. So, regional and local referendums can be postponed for only one reason, which is to combine voting at a referendum with voting at elections or with voting at another referendum in one day. But in any case an appointed earlier referendum voting date cannot be postponed for more than 90 days, and a decision to postpone a referendum voting day cannot be adopted later than 25 days before the date, appointed earlier. A decision to postpone a referendum should be officially published with 6 days after its adoption.

3. Plebiscites and referendums

Referendum, being one of the forms of direct democracy, is an important mean of decision-making. Emphasising of a people's will through a referendum is demonstrative and a decision, approved by a referendum, is morally advantageous for those, whose proposal has been supported by a popular vote. However, a moral strength of decisions, approved by a popular vote, makes

referendums attractive for dictators (as showed examples of A.Hitler in his early period of governing in Germany, A.Salazar and adoption of the 1933 Constitution in Portugal, A.Pinochet and adoption of the 1980 Constitution in Chile, etc.). A political will of people might be really expressed under a condition of legally and actually guaranteed freedom of speech and mass media, as well as all other rights and freedoms, political and ideological plurality.

Besides, there are certain technical limits for applicability of referendums, if one is going to use a referendum as a really democratic decision-making tool. As a matter of fact, at a referendum people can say only “yes” or “no”. That is why it is important to formulate such questions (as subject-matters) that can be answered through a referendum definitely enough. Such questions might be like following: “Do you want your country to be a monarchy?”, “Do you want your country to be a republic?”, “Do you want your country to join (or disjoin) this international organisation?”, “Are you in favour of five-year parliamentary term instead of four-year?”, etc.

What about draftlaws, the is different. Draftlaws have a complicated content, which needs scrupulous work, elaboration and re-elaboration of articles, making changes after long discussions and public hearings. As a draftsman of various laws at the federal and regional level I know, that in many cases in course of discussions some drawbacks of the draft, which had been invisible while it had been being elaborated, became obvious. At a referendum it is impossible to amend the draft. One can support or reject it. What should I do as a citizen, if I like the idea of the draftlaw submitted to a referendum, but I see that the draft needs further improvements? If I vote against, the idea itself will be put aside and certain relations won't be duly regulated. If I vote in favour, uncorrect formulas and poorly elaborated provisions can spoil regulation of certain relations. What a dilemma! That is why to my mind laws should be adopted by a representative body, using a special procedures. Some basic laws and constitutions might be approved as a whole by a people's vote after having been adopted by an elected representative body, observing all necessary procedures. For example, The Russian 1993 Constitution has certain inner contradictions between provisions of different chapters, many of which might have been noticed and annihilated in the process of adoption, if it had been drafted and adopted through duly procedures of several readings in an elected representative body (a constituent assembly or a parliament) before being submitted to a referendum.

4. Forms of government and referendum

Theoretically speaking, there is no organic incompatibility of referendums with almost all forms of government, except for an absolute monarchy, but the latter is not actual for the contemporary

world in general (we can find only few examples of countries, governing by absolute monarchs) and for the Eastern Europe in particular (where all the countries are republics). As I have mentioned above, what is extremely important for a referendum being a real decision-making machinery, but not just a mean for manipulations of a populist dictator, it is a democratic political regime and understanding of technical restrictions for an applicability of a referendum.

Russian history of referendums is not long enough (it is shown in the next abstract of this report) to make practical conclusions about interconnection of a referendum and a form of government in the mentioned country.

5. Participation and turnout

Russian history of referendums at a national scale is quite short. The first Soviet Constitution, which provided for a referendum was the Constitution of 1977. After it for the first time a provision on referendum was introduced in the 1978 Constitution of Russia, which was a Federated Republic within the Soviet Union. But referendums were not held in the Soviet Union (and in Russia as well) under a pretext, that there were not a law on referendum, which should regulate its announcing and organising. The Soviet Union Law on Referendums was approved in 1991 only (the last year of the Soviet Union existence). The first referendum in Russia was announced in 1991 to decide if an office of a President should be introduced. The majority voted in favour of a presidential office introduction. So, the first presidential election took place in summer the same (1991) year. This first Russian referendum was not connected directly with any conflict within the governmental structures. It seemed to be quite logical after introduction of an office of a President at the level of the Soviet Union and to be aimed at further development of Russian political system. However other referendums were used as a weapon to gain or consolidate a victory in situations of political crisis and acute conflict between governing institutions.

The conflict between the Russia's President and the Parliament (represented by two bodies: the Congress of People's Deputies, convoked from time to time and consisted of more than 1,000 members, and elected by the latter smaller but more influential because of its permanent working status Supreme Soviet) developed into mutual jeopardy by the end of 1992. Congress argued the legality of position, it was unable to get mass support and seemed to be losing its legitimacy. In contrast, Yeltsin emancipated himself from any legal limitations, claiming that he gained popular legitimacy through his 1991 electoral victory. Yeltsin hoped to use mass support as a weapon in his struggle against the Parliament, but he preferred a plebiscitary rather than an electoral way of

conflict resolution. Since the end of 1992, Yeltsin suggested several times that a national referendum should be held in order to gauge public confidence in either the President or the Congress. He rejected other possibilities to resolve this conflict, such as, for example, simultaneous and early presidential and parliamentary elections. After an unsuccessful attempt to impeach the President in December 1992, Congress scheduled a referendum for April 25, 1993 with the following subject-matters: a) confidence in the President of Russia; b) support of the government's economic and social policy; c) support for an early election of the President; d) support for an early election of Congressional deputies.

The referendum campaign was accompanied by an unprecedented domination of the pro-Yeltsin forces over the mass media, strongly attacking the Congress. The Congress countered by claiming corruption in the government. Turnout in the referendum fell to 64,1 per cent (the whole electorate was 107,310, 374 citizens; turnout - 69,222,858 citizens). But the President received a 58.7 per cent rating (37,7 per cent of the whole electorate), and his government's policy won 53 per cent (34,0 per cent of the whole electorate). While 49.5 per cent of participants (31,7 per cent of the whole electorate) voted for an early presidential election, 67,2 per cent of participants (43,1 per cent of the whole electorate) wanted an early parliamentary elections. According to that previous Law, a decision, which needed further actions, was considered to be taken at a referendum, if the majority of the citizens that made the whole electorate voted in favour of such a decision. That is why the official resolution (May 5, 1993) of the Central Referendum Commission said: decisions were taken at the referendum concerning the first two questions, because the majority of participants had voted in favour of them; decision were not taken at the referendum with regard to the third and the fourth questions, because less than the majority of all citizens, who had the right to take part in the referendum, voted in favour of such decisions.

Anyway the referendum wasn't binding; it demonstrated nothing but public attitudes toward the competitive actors. The plebiscitary mechanism, in contrast to elections, is unable to resolve conflict. The referendum failed to create a framework for representative government based the rule of law. Encouraged instead on his relative popularity (or rather the unpopularity of his rivals), Yeltsin passed to plebiscitary domination based on the arbitrary rule, demagogically claiming that his discretion powers had been delegated to him by people's vote.

Table 1. Results of the Referendum of April 25, 1993

Subject-matters	% of participants	% of participants
	Yes	No
1. Do you have confidence in Yeltsin?	58.7	39.2
2. Do you approve of the socio-economic policies of the Government since 1992?	53.0	44.6
3. Do you want early presidential election?	49.5	47.1
4. Do you want early parliamentary elections?	62.7	30.1

After the referendum having been held, reform of the political system and a new election was considered by the President to be inevitable. In addition to disputes on electoral system that is supposed to be introduced, major disagreements between Yeltsin and the Parliament focused on the separation of powers. Yeltsin offered his draft of the Constitution with a semi-presidential form of government, in which a president is a key figure of the political system, while the deputies stood for a republic, in which a strong prime minister, backed by a parliament, shares powers with an universally elected president. The two constitutional drafts were incompatible and compromise was impossible. Yeltsin launched a new coup d'état. On September 21, 1993 Yeltsin issued decree No 1400 unconstitutionally dissolving the Parliament and called a new elections for December 12, 1993. The Parliament, in accordance with the amended 1978 Constitution, responded by voting for Yeltsin's impeachment, after which Rutskoi as the Vice-President, who had been elected in one team with Yeltsin in 1991, became automatically an acting President. Thus, got a kind of diarchy. However, it was Yeltsin, who controlled the Armed Forces, militia (police), mass media, means of communication, while Parliament deputies were besieged in the parliamentary building. Some politicians and parties, as well as regional leaders, produced a plan for simultaneous early presidential and parliamentary elections. But on October 3, 1993 during a rally in Moscow, supporters of Parliament became disorderly and tried to attack the major television centre. Yeltsin's reaction was quick and bloody. On October 4, army troops using tanks shot the parliament building; according to official data (obviously understated), 146 people were killed. Leaders of the Parliament and the opposition, headed by Rutskoi and Hasbulatov, were arrested and some opposition parties were prohibited.

The Constitutional referendum of December 12, 1993, which was held simultaneous with the parliamentary elections, might be called the "constituent referendum". The new Constitution legally secured the results of Yeltsin's victory over the parliament. A presidential power was maximised

while a parliamentary one was severely restricted. Since the Parliament has no right to form a Government and to determine its policy, elections founded a new regime but didn't provide for a representative government by parliamentary majority (of one party or a coalition). Since the referendum was far more important than deputies' elections, it is not surprising that the distribution of parliamentary seats wasn't a priority for Yeltsin. He gave no explicit support even to loyal parties (mostly, Russia's Choice), and concentrated his efforts on the adoption of the Constitution.

Thus, the Constitutional referendum provided new issue dimension: loyalty to the new political regime. This issue dimension overlapped with major differences of position of parties within the standard left-right continuum. The bipolar conflict between the President and the Parliament became multi-polar, with a right-wing that is pro-government (Russia's Choice, Party of Russian Unity and Conciliation), a left-wing opposition (Communist Party of Russian Federation, Agrarian Party of Russia), a right-wing opposition (Yabloko), and a nationalist group that nevertheless supports the President and strongly advocates the new Constitution (Liberal Democratic Party of Russia).

The election results of December 12 were controversial. Turnout (54.8 per cent) was the lowest in national electoral history. In Tatarstan and Chechnya, regional authorities organized a boycott of the election in opposition to Yeltsin. Left-radicals also boycotted the referendum and the election. The Constitution was adopted by a week "yes" – it was supported by only 58.4 per cent of the eligible voters – similar to the support for Yeltsin in the April 1993 referendum.

Table 2. General Results of the Referendum of December 12, 1993

	absolute figures	%
Total electorate	106,170,835	100
Turnout	58,187,755	54.81
Number of ballots actually cast	57,726,872	54.37
Invalid ballots	1,357,909	1.28
Valid ballots	56,368,963	53.09
In favour	32,937,630	31.02
Against	23,431,333	22.07
Percentage of total valid ballots in favour of the Constitution approval		58.43

Table 3. Results of the Referendum of December 12, 1993 by Regions (%)

Federated unit	Turnout	Support of voters, who took part in the referendum	Support of eligible voters
Russian Federation	54.81	58.43	31.02
Adygueya Republic	61.73	38.24	23.61
Altai Republic	61.73	54.11	33.40
Bashkortostan Republic	63.74	53.12	32.37
Buryatia Republic	56.17	55.23	31.02
Dagestan Republic	57.58	24.88	14.33
Ingushetia Republic	46.09	56.02	25.82
Kabardino-Balkaria Republic	58.75	61.05	35.87
Kalmykia Republic	57.76	48.50	28.01
Karachayevo-Cherkessia Republic	71.90	27.45	19.74
Karelia Republic	54.74	69.88	38.25
Komi Republic	47.27	62.13	29.37
Mari El Republic	46.82	50.68	23.73
Mordovia Republic	62.13	36.17	22.47
Yakutia Republic	59.41	52.94	31.45
North Ossetia Republic	59.81	51.00	30.50
Tatarstan Republic	13.43	74.84	10.05
Tyva Republic	58.39	29.77	17.38
Udmurtia Republic	44.23	55.77	24.67
Khakassia Republic	45.63	56.58	25.82
Chechen Republic	-	-	-
Chuvashia Republic	63.56	63.01	40.05
Altai Province	54.25	50.10	27.18
Krasnodar Province	56.71	51.16	29.01
Krasnoyarsk Province	52.17	56.93	29.70
Primorye Province	50.39	69.95	35.25
Stavropol Province	63.77	53.26	33.96
Khabarovsk Province	46.13	48.10	22.19
Amur Region	56.78	27.54	15.64
Arkhangelsk Region	58.20	71.61	41.68
Astrakhan Region	51.42	56.92	29.27
Belgorod Region	67.03	45.97	30.81
Bryansk Region	65.89	39.92	26.30
Vladimir Region	60.47	57.79	34.95
Volgograd Region	53.46	47.18	25.22
Vologda Region	59.98	67.95	40.76
Voronezh Region	59.92	44.20	26.48
Ivanovo Region	57.78	62.18	35.93

Irkutsk Region	50.37	72.55	36.54
Kaliningrad Region	59.81	64.38	38.51
Kaluga Region	63.74	49.48	31.54
Kamchatka Region	44.09	68.15	30.05
Kemerovo Region	50.79	54.91	27.89
Kirov Region	58.57	49.48	28.98
Kostroma Region	59.69	56.63	33.80
Kurgan Region	61.21	56.12	34.35
Kursk Region	64.67	43.30	28.00
Leningrad Region	50.42	66.41	33.48
Lipetsk Region	59.95	41.31	24.77
Magadan Region	46.86	66.34	31.09
Moscow Region	54.77	58.49	32.03
Murmansk Region	50.96	68.07	34.69
Nizhny Novgorod Region	52.88	55.59	29.40
Novgorod Region	58.06	61.37	35.63
Novosibirsk Region	51.04	50.72	25.89
Omsk Region	56.74	57.24	32.48
Orenburg Region	56.05	56.37	31.60
Orel Region	65.67	39.85	26.17
Penza Region	62.64	39.93	25.01
Perm Region	46.00	77.54	35.67
Pskov Region	68.27	55.90	38.16
Rostov Region	56.47	51.50	29.08
Ryazan Region	66.16	49.28	32.60
Samara Region	53.39	56.87	30.36
Saratov Region	59.44	49.72	29.55
Sakhalin Region	49.70	62.38	31.00
Sverdlovsk Region	50.14	78.00	39.11
Smolensk Region	65.07	41.92	27.28
Tambov Region	64.24	41.16	26.44
Tver Region	63.92	50.04	31.99
Tomsk Region	46.00	66.26	30.48
Tula Region	60.85	53.37	32.48
Tyumen Region	48.22	67.77	32.68
Ulyanovsk Region	58.01	51.18	29.68
Chelyabinsk Region	51.43	75.02	38.58
Chita Region	49.33	54.98	27.12
Yaroslavl Region	59.26	64.36	38.14
Moscow Federal City	53.48	69.94	37.40
St.Petersburg Federal City	52.02	71.60	37.25
Jewish Autonomous Region	48.39	62.75	30.36

Aga Buryat Autonomous District	63.27	65.54	41.47
Komi Permyak Autonomous District	56.36	66.24	37.33
Koryak Autonomous District	56.72	67.90	38.51
Nenets Autonomous District	63.00	68.00	42.84
Taimyr Autonomous District	58.47	79.99	46.77
Ust-Orda Buryat Autonomous District	69.73	74.03	51.62
Khanty-Mansi Autonomous District	38.91	79.82	31.06
Chukotka Autonomous District	54.00	74.10	40.01
Evenki Autonomous District	59.66	68.94	41.13
Yamal-Nenets Autonomous District	46.94	78.77	36.97

6. Influence of political parties, movements and other pressure groups on direct democracy

Generally speaking, political parties and movements, of course, can and should have impact on referendums and other forms of direct democracy. In Russia, as it has been shown, a political party or movement has the right to initiate a referendum.

The registration of new and existing parties, including the Communist Party of the Soviet Union (CPSU), which had had a monopoly on political power in the Soviet Union and in Russia as well and even on a political party title till 1990, began on the basis of a new Soviet Union Law “On Public Associations” in 1991. 25 parties had been registered by the summer of 1992, although many claimed no more than a few hundred members and there were no more than 30 000 active members of all political parties put together. The new Constitution nonetheless made clear that post-communist Russia was firmly committed to political diversity and a multi-party system, subject only to the requirement that parties and associations refrain from a forcible challenge to the state or from incitement to social, ethnic or religious strife; the same principles were affirmed in a new Federal Law (now Russian) “On Public Associations”, entered into force in May 1995. A special law on political parties themselves was adopted by the State Duma in the same year of 1995 (although later than the Law “On Public Associations”), but it was rejected by the Federation Council. Still Russia doesn’t have a law on political parties.

Given their loose organisation, it was not surprising that many of the new parties divided into smaller and sometimes hostile groupings. The CPSU had itself fragmented into as many as eight distinct tendencies during its last years of rule, including a silent majority, and most of these became independent parties in the post-communist years. Other parties remained coherent but at the cost of a harsh internal discipline, such as the All-Union Communist Party (Bolsheviks), headed by Nina Andreeva, which claimed continuity with the XIX Congress of the CPSU and refused to register

with the 'bourgeois' authorities. On the other hand quite a strong moderate left party, supported by a relatively big and stable portion of the Russian electorate, appeared on the basis of one of fragments of the CPSU. This party is the Communist Party of Russian Federation (CPRF).

It was equally clear that ordinary Russians were reluctant to associate themselves with the parties that had begun to compete for their support. According to the survey evidence, just 22 per cent of Russians identified to some degree with a political party, compared with 87 per cent of the electorate in the USA and more than 92 per cent in Great Britain. Parties, indeed, were the most distrusted of all the political institutions, and they were more distrusted in Russia than in the post-communist countries of Eastern Europe. There were much lower levels of membership or participation in the activities of political parties than in Eastern Europe, and there were extraordinary levels of electoral volatility, even by post-communist standards: the shifts that took place in voting support between elections in post-communist Russia were six times as large as in Western Europe in the 1980s, and twice as large as in Eastern Europe. The Russian electorate, in these and other ways, was very fluid, cleavage formation was indefinite and there was little sense of patterned interaction or systemic character.

The weakness of parties (except for the CPRF, which has regional and local branches, its own programme more or less distinct from programmes of other parties, historic roots, and more or less stable voters' support) in post-communist Russia was partly a consequence of the fluidity of social structures, partly a consequence of the length of time that Russians had been denied an opportunity to form their own organisations and to choose among them at the ballot box. It was also a consequence of the political system itself. For a start, Russia had a strongly presidential system, with a head of state who claimed to govern in the interests of the nation as a whole and who enjoyed a mandate of this own; this undermined the position of political parties, whose purpose was typically to mobilise a section of the electorate in order to achieve a parliamentary majority.

At the regional and local levels of government political parties are even less influential than at the federal one. And federal referenda were held (as it was shown) in 1991-1993, when the party system was not yet formed and the majority of parties were at their founding stage of development. The 1993 Constitutional referendum was held simultaneously with parliamentary elections, so political parties were preoccupied first of all with their own pre-election campaigns rather than with the referendum. As I mentioned above, the procedure of referendum announcing in 1991-1993 differed significantly from the present one, and parties were not considered by that procedure as organisations that can start initiating a referendum.

Non-profit organisations, distinct from parties, can also influence results of a referendum. Such organisations can promote a campaign to initiate a referendum, can launch a campaign to persuade people to vote in favour or against. In the next abstract of my report I'll give an example of not-for-profit organisations role and activities in a regional referendum initiating and holding.

7. Regional and local experiences

As a matter of fact history of local and regional referenda in Russia began along with the history of federal referenda. Thus, for example in spring 1991 referenda in cities of Moscow and Saint-Petersburg on introduction into systems of government of these cities offices of mayors were held simultaneously with the All-Russia Referendum on introduction into a federal system of government an institution of a president. As an introduction of an office of a President at the level of Russian Federation, setting up of mayors' offices seemed to be quite logical after introduction of an office of a President at the level of the Soviet Union. Holding referenda concerning mayors' introduction on the same day of a referendum concerning a Russian President office introduction confirmed the idea of logical institutional development of the Russian (and even Soviet Union) system of government. It was a Soviet political tradition to have a unified system of government from top to bottom. And these institutional changes seemed in 1991 to be aimed at further development of Russian political system at the local level. These referenda did not arise serious conflicts and mayors in several Russian cities were elect the same year (1991).

Destruction of the Soviet Union destabilise the Russian Federal system too. In 1990-1991 Supreme Soviets of several republics within Russian Federation adopted resolutions on their sovereignty. However Tatarstan decided to go farther. On March 21, 1992 a referendum was held in Tatarstan with a question: "Do you agree, that Republic of Tatarstan is a sovereign state, an international law entity, realising its relationships with Russian Federation and other republics, states on the basis of equal treaties?" The question had a double sense: initiators of the referendum tried to avoid formulas, like "Do you support secession of Tatarstan from Russian Federation?", but at the same moment tried to find a formula, which might be interpreted as voting in favour or against Tatarstan's separation from Russian Federation. Even before referendum holding (March 13) the Constitutional Court of Russian Federation recognised in its ruling this question to be partially unconstitutional. However, the referendum in Tatarstan was held. The turnout was more than 80 per cent. The referendum results were the following: 61.4 per cent of participants (50.3 per cent of the whole Tatarstan's electorate) answered "yes" to the question, given above. By the way a

portion of Tatars in the Tatarstan's population is 48.5 per cent and a portion of Russians is 43.3 per cent.

Just now referenda at regional and local levels have become a routine decision-making procedure. For example, 7 local referenda were held in the first half of 1998 only. On March 22, 1998 in Vologda region two local referenda took place: the Charter of Kirilovski district was adopted and the Charter of Totemski district was amended. On April 19, 1998 four local referenda were held in Kamchatka region: the Charters of the town of Viliuchinsk and of Milkovski, Sobolevski, Ust-Bolsheretski districts were adopted. The March 22, 1998 local referendum on the issue of a new cargo seaport construction in the town of Gelenzhik (Krasnodar province) was proclaimed not to have been held, because only 44.8 per cent of town dwellers, who had the right to take part in a referendum, participated in a people's vote. According to the Krasnodar province Law, a referendum can be considered to have been held, if a minimum of 50 per cent of local electors has taken part in people's vote.

In order to make a turnout higher at regional and local referenda, people's vote is held simultaneously with federal, regional or local elections. For instance, on the day of the State Duma deputies' elections of December 19, 1999, different referenda in several regions of Russian Federation took place.

An average rate of regional and local referenda in 1997-1999 in Russia was about a dozen per annum. Many of them are held to adopt or to amend municipalities' charters.

As an example of a regional referendum, I would like to analyse a referendum that took place in Kostroma region on December 8, 1996. This referendum has several characteristics, which make it a model one, which can help us to study typical features of a regional referendum. A subject-matter of the 1996 Kostroma regional referendum is an issue of finishing a construction of the Kostroma Nuclear Power Station. Environmental problems are very acute for Russia, that is why a construction of a big industrial or transport (like a seaport, for instance) enterprise or a power station, that might worsen an environmental situation in a locality, draws attention of local dwellers. Local and regional referenda on admittance (or not admittance) of enterprises' construction are quite common in Russia.

And now, a few words about a pre-history of the Kostroma regional referendum. A decision to build an atomic power station in the Kostroma region was approved by the central Soviet Union authorities in 1978. This power station was constructing more than ten years. However, after the Chernobyl tragedy (May 1986) people became very anxious to have a nuclear power station in their

neighbourhood. Democratisation of political life in end of the 80-s in the Soviet Union made easier and more efficient people's protesting. So, in 1990 the Kostroma Regional Soviet (Council) took a decision to cease the atomic power station construction. But in the situation of economic recession and increase of unemployment in Russia in general and in Kostroma region in particular local authorities saw a way to stimulate an economic activity by continuing the atomic power station construction. In 1992 a decision to continue the works was taken by authorities of a settlement Chistye Bory and Bui district (where the atomic power station had been being built) of the Kostroma region. Many people considered a continuation of the nuclear power station construction not to be a good solution for regional economic difficulties. Opponents to that construction argued that even the project of the nuclear power station was out-of-date by the end of the 80-s. New technical regulations with new special restrictive requirements aimed at ensuring greater safety of nuclear power stations were adopted after the Chernobyl catastrophe. The Kostroma Nuclear Power Station project did not answer the mentioned requirements. On the other hand, there was (and is) lack of electricity in the Kostroma region, although some power station did not work at full capacity.

Since 1993 activities against the atomic power construction have been developed by the Kostroma environmental movement "In the Name of Life", supported by the Russian branch of the international organisation "Greenpeace Council" and different regional public associations. They insisted on holding a referendum concerning the nuclear power construction and explained to the public opinion disadvantages of having a nuclear power station in the region.

In September 1995 a Law of the Kostroma region "On referenda on the Territory of the Kostroma Region" entered into force. On December 28, 1995 the Regional Duma registered an initiative group, set up to collect signatures under a petition to initiate a referendum with a question as a subject-matter: "Do you agree with having an atomic power station in the Kostroma region and with building it?" On January 2, 1996 another initiative group, created to help in collecting signatures, was registered by the Regional Duma. They had collected and handed in to the special working group of the Regional Duma lists with citizens' signatures, 35,650 (6.04 per cent of the whole regional electorate in 1996) of which were recognised to be valid. According to the mentioned Kostroma regional Law, a regional referendum might be held by an initiative of a minimum of 5 per cent of regional dwellers, who have voting rights. That is why on April 25, 1996 the Regional Duma announced the regional referendum with a question as a subject-matter: "Do you agree with having an atomic power station in the Kostroma region and with building it?" At the same time the Regional

Duma decided to hold the referendum simultaneously with regional parliamentary elections, which was planned to take place in the same year. The date of the regional parliamentary elections and the referendum (December 8, 1996) was fixed by the Regional Duma Resolutions of September 5, 1996.

Active campaigns in favour or against the nuclear power station construction were organised in mass media, as well as by publishing special printing materials by carrying out meetings, etc.

A voters' list in the Kostroma region consisted of 590,351 names. 343,214 citizens (58.14 per cent of the whole electorate) took part in the December 8, 1996 referendum. 35,830 voters (10.44 per cent of participants or 6.07 per cent of the whole electorate) answered "yes"; 299,600 citizens (87.43 per cent of participants or 50.75 of the whole electorate) answered "no". So, it was decided by the people's vote to halt the nuclear power station construction.

It is interesting to point out that in some districts of the Kostroma region a support for continuing to construct the atomic power station was higher than average in the region. Thus, in the Bui district 22.09 per cent of participants were in favour of construction of the atomic power station. In the town of Bui 39.02 per cent of participants would like to have the nuclear power station close by. It could be explained that the atomic power station had been planned to be constructed in the Bui district, and many people were employed or were going to be employed at the construction works or at the power station, when it was built.

Table 4. Results of the December 8, 1996 Kostroma Regional Referendum

District or town	Whole electorate	Participants	Valid ballots	Invalid ballots	Blank ballots	"Yes"	"No"
Antropovo	7492	5723	5638	85	62	544	5094
Bui	7669	5320	5213	106	51	1186	4027
Bui (town)	26246	14137	13880	228	96	5542	8338
Volgorechensk (town)	13223	7675	7508	163	70	825	6683
Vokhma	11109	7110	6949	158	100	1644	5305
Galich	9727	6631	6544	87	41	1644	5305
Galich (town)	15492	8784	8521	260	115	604	7917
Kady	8655	5709	5520	166	99	581	4939
Kologriv	7460	5604	5428	176	90	384	5044
Kostroma district	31816	18225	17880	333	121	1714	16166
Kostroma (city)	220280	119776	117499	2033	909	7292	110207

Krasnoye Selo	15371	8980	8733	245	149	638	8095
Makarev	17079	10878	10711	262	132	810	9901
Manturovo	6285	4227	4049	178	54	395	3654
Manturovo (town)	14998	7955	7694	217	73	650	7044
Mezhevo	4935	3757	3698	57	29	337	3361
Neya	14894	8457	8283	171	59	887	7396
Nerekhta	10615	6918	6773	138	72	859	5914
Nerekhta (town)	21771	11463	11124	330	209	2181	8943
Oktiabrski	5213	3630	3528	101	68	812	2716
Ostrovskoye	11180	6461	6251	176	73	926	5325
Pavino	5306	3563	3498	63	30	608	2890
Parfenievo	6481	4781	4682	99	57	425	4257
Ponazyrev o	8456	5633	5530	103	52	711	4819
Pyshug	4803	2971	2899	72	47	285	2614
Soligalich	9823	7770	7607	156	82	389	7218
Sudislavl	12008	7208	7027	175	81	733	6294
Susanino	7640	5397	5302	86	40	552	4750
Chukhloma	10972	7984	7746	173	102	990	5465
Sharya	11112	6660	6455	197	102	990	5465
Sharya (town)	32340	13727	13260	427	190	1205	12055
Total (Kostroma region)	590351	343214	335430	7221	3455	35830	299600